IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.897 OF 2002

IN

SUMMARY SUIT NO. 1393 OF 2002

Vinod Paharia .. Plaintiff

versus

M/s.PYX Laboratories (I) Ltd. .. Defendant

...

Mr.M.K. Nesari for the plaintiff.

Mr.S.C. Shah for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 17th January 2005.

P.C.:

1. Heard the learned counsel for the plaintiff.

2. This Summons for Judgement is taken out in a suit for recovery of the price of the goods allegedly sold and delivered to the defendant. The defendant by filing an affidavit in reply has denied receipt of

the goods. He has denied placing of the orders. Admittedly, no written order was placed but the allegation is that the order was oral. Out of the three supplies, no delivery challan is produced in respect of the two supplied and even in respect of the third supply. There is a denial by the defendant.

3. In the circumstances, issues involved in this case are disputed questions of fact which required adjudication. Hence, defendant is granted unconditional leave to defend the suit. The defendant to file written statement within a period of 30 days.

4. Suit shall stand transferred to the list of commercial causes.

D.G. KARNIK, J